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General and complete disarmament: Contributions towards banning anti-personnel landmines

Letter dated 26 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Bulgaria to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Turkey on non-use of anti-personnel mines and their removal from or destruction in the areas adjacent to their common boarder, which was signed in Sofia on 22 March 1999 (see annex).

May I request your kind assistance in circulating the text of the present letter and its annex as a document of the General Assembly under agenda item 71 (k) of its fifty-third session.

(Signed) Vladimir **Sotirov**
Chargé d'affaires a.i. of the Permanent Mission
of the Republic of Bulgaria to the United Nations

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Annex

Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Turkey on non-use of anti-personnel mines and their removal from or destruction in the areas adjacent to their common border

Preamble

The Government of the Republic of Bulgaria and the Government of the Republic of Turkey, hereinafter referred to as "the Parties",

Recalling their commitments under the Charter of the United Nations, the Helsinki Final Act, the Stockholm Document, the Paris Charter, the 1994 Vienna Document and principles of the Organization for Security and Cooperation in Europe,

Reaffirming the principles of friendship, good-neighbourliness and cooperation between the two countries, as stated in the 1992 Treaty on Friendship, Good-neighbourliness, Cooperation and Security and the 1992 Edirne Document on Mutually Complementary Confidence- and Security-Building Measures and Military Contacts between Bulgaria and Turkey,

Taking into consideration the significant positive developments in the international context since 1989,

Willing to strengthen the friendly relations and mutual confidence between the two countries, based on the common Euro-Atlantic values they share,

Determined to further contribute to the stability, security and transparency in south-eastern Europe,

Sharing common humanitarian values and wishing to contribute to the noble efforts of the international community on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines,

Wishing to set an example for other countries in the region in a bid to encourage their participation in efforts towards the same objectives,

Have agreed as follows:

Article 1. General obligations

1. The Parties undertake not to use, under any circumstances, anti-personnel mines and to destroy or remove all stocked or emplaced anti-personnel mines from the area of application as defined in article 2.

2. The Parties undertake to translate these obligations into their relevant national documents, as appropriate.

Article 2. Area of application

The application of the measures envisaged in this Agreement will cover the areas of the respective territories of the Parties delimited respectively by Primorsko, Sredetz (Grudovo), Polyana, Elhovo, Topolovgrad, Rogozinovo, Shtit and Buyukdolluk, Suleolu, Kirklareli, Uskup, Vize and Kiyikoy.

Article 3. Definitions

"Anti-personnel mine (APM)" means a mine designed to be exploded by the presence, proximity or contact of a person that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices are not considered anti-personnel mines as a result of being so equipped.

"Mined area" means an area which is dangerous due to the presence or suspected presence of mines.

"Observed Party" means the party within whose territory the observation of the removal of anti-personnel mines is carried out.

"Observing Party" means the Party which requires the observation and which therefore is conducting the observation.

"Observer" means a person, who is designated by one of the Parties to carry out the observation under the provisions of the article 4 of this Agreement and whose name is placed on the approved list of observers of the respective Party.

"Observation Team" means a group of observers designated by the observing Party to carry out an observation.

"Observation Visit" means a visit of an Observation Team of one of the Parties on the territory of the other Party in order to ensure the implementation of this Agreement.

"Point of entry/exit" means a point, defined by the Party within whose territory an observation will be carried out, where the members of the observation teams will arrive at and leave its territory.

Article 4. Observation activities

1. The Parties shall reciprocally observe mine removal activities as appropriate within the area of application, including the depots declared under article 6, paragraph 1 of this Agreement, once a year through mutual consent.

2. The Observers shall be citizens of the Observing Party. The Observation Team shall be composed of maximum three observers, one interpreter and auxiliary personnel as necessary, but no more than six personnel.

3. The Party that wishes to conduct an Observation Visit shall inform the other party through diplomatic channels about this request, the identification of the members of the Observation Team, the location of the area to be observed, where in the area the observation will begin and the point of entry of the Observation Team at least 45 days in advance. The Observed Party must inform the Observing Party whether it accepts the observation demand 20 days before the date of the beginning of the observation at the latest.

4. The Observed Party shall inform the other Party about demining activities in the area of application and the locations and status of mine depots in the area at a coordination meeting that will be held before the observation begins.

5. The Observation shall begin on the day following the arrival of the Observation Team to the territory of the Observed Party, and be concluded in principle within two days. The period within the country shall preferably not exceed four days.

6. For the purposes of Observation Visits, the respective territories of the Parties in the area of application shall be divided into two parts and during an Observation Visit one such part shall be observed. The borders of the respective parts shall be determined at the initial coordination meeting.

7. The Parties shall designate the Points of Entry/Exit at the initial coordination meeting and use these points for Observation Visits.

Article 5. Destruction or removal

The destruction or removal of anti-personnel mines from the area of application should be completed within six years, starting from the date of entry into force of this Agreement. This process shall normally be observed through Observation Visits that shall be conducted once a year.

Article 6. Information exchange

1. In order to ensure compliance with the provisions of this Agreement, both Parties shall conduct an initial exchange of information about the location of all mined areas and the total number and location of all stockpiled anti-personnel mines in the area of application 90 days after the entry into force of this Agreement. Such information shall be exchanged no later than 30 April of every year. If any significant change occurs during the year, the Party concerned, shall notify the other Party as soon as this change occurs.

2. All information will be exchanged through diplomatic channels.

3. The observations, which will be carried out each year, can be increased in number or cancelled by mutual consent.

Article 7. Provisions for the Observation Teams

1. An escort team shall meet the members of the Observation Team upon their arrival at the Point of Entry/Exit.

2. During the presence of the members of the Observation Team in the territory of the Observed Party, the Observed Party shall provide an appropriate working place, transportation and, if necessary, medical care.

Article 8. Legal matters

1. In cases of damages to and losses of movable and immovable assets belonging to the Observed Party caused by the Observing Party, which might occur during the observation visit, the Observed Party shall waive the indemnities that might be claimed.

2. The Parties undertake that they shall not claim indemnities on an official basis from each other in case of injury, disablement or death of observers as a result of the activities carried out in accordance with the provisions of this document. However, the Parties reserve their right to make a claim in the event of an injury, disablement or death caused by a third person.

Article 9. Financial issues

All expenditures related to an Observation visit, including board, lodging, transportation and emergency medical care of the members of an Observation Team within the area of application, shall be undertaken by the Observed Party.

Article 10. Administrative issues

Observers shall make use of services and facilities appropriate to their status.

Article 11. Privileges and immunities

The Observers will be granted, during an Observation Visit, the privileges and immunities accorded to diplomatic agents under the Vienna Convention on Diplomatic Relations.

Article 12. Settlement of disputes

The Parties shall settle disputes arising from the interpretation and implementation of this Agreement through negotiations.

Article 13. Protection of information

1. Both Parties shall abide by the security classification rules regarding the information that they have obtained within the framework of the provisions of this Agreement.

2. The Parties have no right to disclose any such information to third parties without the written consent of the originator.

3. The rules of observance of the security classification shall remain in effect after the termination of the Agreement.

Article 14. Amendment and revision

1. Each of the Parties can propose an amendment or revision to this Agreement in writing. Negotiations shall start within 90 days after a written notification to this effect is made. The agreed amendments or revisions shall be reflected in an amending protocol to this Agreement.

2. A conference to review the implementation of this Agreement will be held every five years in turn, in one Party's territory.

Article 15. Duration and termination

This Agreement shall remain in force for a period of 10 years. Unless one of the Parties notifies the other Party of its intention to terminate it six months prior to the expiry of this period, the Agreement will automatically be prolonged for subsequent periods of 10 years.

Article 16. Ratification and entry into force

This Agreement shall be subject to ratification. It will enter into force 90 days after the exchange of the instruments of ratification.

Done in Sofia on 22 March 1999, in two originals, each in the Bulgarian, Turkish and English languages, each text being equally authentic. In case of any difference as to the interpretation, the English version will prevail.

On behalf of the Government of the Republic of Bulgaria

(Signed) Nadezhda **Mihailova**
Minister for Foreign Affairs

On behalf of the Government of the Republic of Turkey

(Signed) Ismail **Cem**
Minister for Foreign Affairs